G. R. S. IX-5]

Previous references. 1895-96.

191 .

(L.R.)

Later references.

File No. 96 of 95.

Serial Nos. 1 to 9

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 to 9.

M. ~~Part~~ B for February 1898.

SUBJECT.

Appeal of Krishna Gouda Patel of Arahalli, Mulbagal taluk, regarding the produce of trees in Sur. No. 3.

Copied

Compared

Indexed

Precis of the records connected
with Petitions No 4136 dy 29.6.96.
and 3328 dy 11.5.97.

Petitioner:- Krishne Gowda, Son of Venkate Gowda of
Arahalli village
Mulabagal Taluk
Kolar District.

Subject:- Appeal against the order of the Dy Commr: Kolar Dist., regarding the petitioner's claim to the produce of the trees of a tope S. No 3 in the village of Arahalli Mulabagal Taluk, Kolar Dist.

Facts of the case.

On 11.11.88 Venkatagowda, son of Venkatrame Gowda (pet's father) submitted a petition to the Dy Commr: Kolar Dt stating that a certain tope in Arahalli village which was planted and reared up by his father at his own cost had at the time of its measurement been classed by the Survey authorities as Kharab S. No 3 and praying that the right to the tope which was in his enjoyment from the very beginning may be continued to him.

On 22-4-89 the amildar of Mulabagal to whom this petn was forwarded for report, stated that on being examined by him Venkatagowda said that he had no records with him to prove his right to the tope in question and that the remark made in the General report and the Chitta for the Siddarthi year which were in the

Taluk

X vide Pherist No 1/4 of Vernacular Records. (First File).

Venkatrame Gowda
|
Venkate Gowda
|
Krishne Gowda
(applicant)

X vide Endt No 226 dy 2-12-88 on the above petn

X vide Pherist No 1/2 of Vernacular Records Report No 83.

✓ vide deposition Pherist No 2 of V. Records.

Taluk records would show his right to the tope; that on a reference made it was found that the General report contained no mention regarding the tope and that there was no written evidence to show petr's right to the tope except the statement in the Siddardhi Chitta to the effect that the land under reference had a tope on it belonging to Venkategowda and that there were bamboo bushes also.

On 9.12.89 the Dy Commr: directed[X] the Amildar to enquire and submit information on the following points:—

(1) What does the "Parabhava Number Jadethi accounts" state regarding this point.
(2) How is Venkategowda referred to in the Siddardhi chitta related to petr.
(3) what remark was made at the time of the Survey.
(4) what is the difference between the number of trees as mentioned in the Siddardhi chitta and those now standing.

X vide order No 943 on Pheirst No 1/2.

In the mean time on 9.8.89 one Sed Marakka presented a petn[X] to the Dt officer bringing to notice that Sonne gowda and others had unauthorizedly cut and sold several trees to the value of Rs 600 or 700 out of Chowdeswaridevara Tope classed as Govt Kherab during the Survey Sett. This petn was forwarded[X] to the Amildar of Mulabagal for inspection and report.

X vide Pheirst No 9/1. (Pending papers as Subsequently found)

X vide order No 120 dy 16.8.89 on the above petn

On 25.8.89 the villagers of Arahalli including the Dotti and Talavar, Marakka and Venkategowda seperately deposed[X] before the Amildar to the effect that the tope was planted by Venkategowda's father, that it was part of Venkategowda's Yakkadari, that during the past 5 or 6 years Venkategowda occasionally cut down 20 bamboo bushes which had become

X vide depositions Pheirst Nos 3, 4 + 5.

dry

dry and obstructed the growth of 500 tender ones newly planted along the hedge by Venkategowda and used them partly for charitable purposes and partly for his own purpose; that these bushes were not cut down simultaneously and that their probable value was Rs 10/-; that no other kinds of trees were cut down.

On 27.9.89 Sambhoyya Semappa deposed that Chowdeswari Gudi tope was part of S. No 3 (Kharab) being 3a-7½ in extent and contained 357 trees in all planted by Venkategowda's father, Venkatramegowda; that till the Survey Settlement Venkategowda was enjoying the produce of tamarind trees etc in it; that he did not know whether at the time of the Survey Settlement Venkategowda asked for an entry of a remark regarding his right; that even then the tope was in his enjoyment, that after the settlement a mention was made in the accounts to the effect that the tope belonged to Govt:; that from the very beginning the tope was being called a charity tope planted by Venkategowda's father.

X vide Pheirist No 6.

On 2.10.89 the Amildar reported, in forwarding the above depositions, that Ded Marakka disowned the pet:, that it was understood that in the "Gidapathirike" Chowdeswari tope was mentioned to be part of Kharab S. No 3 being 3a-7½ in extent and having 357 trees in it at the time of the Phoot Pahani, that it was understood from the statements of the Villagers and Venkate Gowda that about 20 bamboo bushes were occasionally cut down as they obstructed the growth of new ones and

X vide Report No 970 on Pheirist No 9/2

and observed that remark
applied to the Dt officer for an entry
of a remark regarding his right to
the tope; that no other kinds of trees
except bamboo ones were cut down;
and that the bamboo bushes were not
cut down simultaneously; whereupon
the Dy Comm: on 29.12.89 directed the
Builder to carry out the order № 943
passed on his Arji № 83 of 24.4.89.

On 14.6.90 the Builder, in
reply to order № 943, stated that under №
52 in the Parabhava Number Jadittu it
was mentioned that Kerevaru thota contained
10 mango trees, 10 Jambu, 10 Ippe, tamarind
and other trees and that it belonged to
Venkatramelgowda, that in the Siddardhi
chitta it was mentioned "Venkategowda,
no, Venkatramelgowda"; that in page 21
of the said chitta under Arji № 123 a mention
of this tope was made; that the "Aval number"
of the Parabhava year and page 21 of the
Siddardhi chitta were enclosed for
reference (these papers are not forthcoming
in the file) and that the number of
trees then existing had already been
reported. On this report the then Dy Comm:
Mr: Abdul Rahman passed the following
order:—

As this tope is in the name of
Venkatramelgowda in the Parabhava and
Siddardhi accounts and as the pet:
Venkategowda is understood to be the
son of the said Venkatramelgowda from
the enclosures of the report, a remark
should be made in the Govt accounts
as to Venkategowda's Haklendari quoting
therein the number and date of this order
and attested to by you (builder).
Besides a Muchalika should be obtained
from him to the effect that he would
undertake to put in plants on the
vacant plots of the tope and rear them
up and should be filed with the records
and it must be seen that the terms
thereof are acted up to. His right to the
tope extends only so far as to take with
permission trees and branches accidentally

blown

× vide order № 1064 on the above.

× vide Report № 272 — × 1846-47

× 1859-1860

× "ಪಾರ್ಥವ ಸಂವತ್ಸರದ ಪಹಣಿ ಪತ್ರಿಕೆ."

× vide order № 265 of 12.7.90 on Phenathro 1/3.

blown down by the wind and trees com-
-pletely dry on condition of his replacing
them by new ones and rearing them up.
He has no right whatever to cut green
trees and branches or to take the produce
thereof. He must be well informed of
this and a Muchalika obtained from
him.

X vide Report № 469 on the back of the above order.
X vide deposition Pheirst № 7.

On 28.7.90 the amildar reported
that Patel Venkatelgowda stated before him
that he consented to the terms of the above
order, but that he requested that the
produce of the tope may be granted to
him as otherwise it would be hard
upon him to replace and rear up
plants, whereupon the Dy Commr:
called for a report on the following points.

X vide order № 334 dy 31.7.90 on the above.

① Until what period was the petr: enjoying
the amarai produce?
② From what time has this been included
in the Bataji contract?
③ What is the annual income?
④ When did the settlement take place?

X vide Report № 550 dy 11.8.90 on Pheirst № 1/4.

On 11.8.90 the Amildar reported
in reply and the Sanbhoque had deposed before
the Amildar to the same effect, that the petr:
was enjoying the amarai produce till the
Survey Settlement i.e. till the Vyaya year;
that the Settlement of the Taluk took place
in Sarvajitu year; that since then the
produce of the said tope was being included
in the Bataji Contract; that the exact
income from the tope could not be stated
as it was included along with other
topes in the Bataji sale and that the
probable income was about Rs 5/=.

X vide Pheirst № 8.

X 1886-87

1887-1888

Thereupon the Dy Commr: Mr L. Madiah
on 12.9.90 passed the following order:-

X vide Order № 467 on the above report.

As you state that the Amarai produce
was from the beginning upto the Survey Settt
being enjoyed by the Hakkadar (petr) without
being included in the Govt: amarai, the
Hakkadar may take the said produce as
usual on condition of his binding himself

for

for the proper upkeep of the Amarai trees in accordance with order No 266 above referred to.

On 8.10.90 this order was duly given effect to by the Amildar and a remark was entered in the Khetwar to that effect.

On 12.5.94 the Dy Commr: Mr: C. Gradish passed an order[x] cancelling his order No 467 dy 12.9.90 and confirming the order of Mr Abdul Rahman No 265 dy 12.7.90 on the ground that the former was passed without the knowledge of the latter having been passed and directing that Venkategowda should be informed accordingly and that the produce of the tope should as usual be included in the annual amarai Sale.

x vide order No 702

On 10.6.94 this order was duly given effect to and a remark was made to that effect in the Khetwar.

On 8.6.95 Krishnegowda, Son of Venkategowda submitted a petn[x] to the Dy Comm: Kolar Dt stating that the order preventing him, who is the Hakkedar, from enjoying the produce of the tope was against Manool and justice, Seeing that he invested a large sum of money in improving the tope and praying that an order may be passed allowing him the enjoyment of the produce as usual, and that if this could not be done the tope may be assessed and included in his Khata; whereupon the Dy Commr: passed the following order[x]:—

x vide District Pheirst No 2/2

x vide Endt No 305 on the above.

I have already decided the case and in my review I have allowed petr: right to dried trees but not to produce. If however the amildar considers that there are other circumstances in the case he may represent the same for reconsideration

On 27.7.95 the amildar in reply reported[x] that petr: stated[*] before him that he had no more records to produce and prayed

x vide Report No 52

*: vide deposition dy 24.7.95 Dt Pheirst No 3/1.

prayed that as his ancestors planted and reared up the tope he may be allowed to enjoy the produce thereof and recommended on that ground that he may be allowed to enjoy the produce of the tope; whereupon on 26.3.96 the Dy Commr: Mr: B.G. Krishnaiengar passed an order to the effect that those who planted and reared up the tope were entitled to take only the trees blown down by the wind and not the produce of the trees as they were not paying any assessment and that clandestine enjoyment of the produce would not give any right to claim the produce and that no orders could be passed contradicting order No 702 dy 12.5.94 already passed in the matter.

× vide order No 473

This order was duly conveyed to Krishnegowda.

× vide Amil's Endt No 52 dy 30.3.96.

On 29.6.96 Krishnegowda, Sons of Venkategowda appealed to Govt against the above order on the grounds that the tope was planted by his grandfather; that his grandfather, father and himself were in possession and enjoyment of the produce of the said tope and that injustice was done to him by the Dy Commr: who first passed an order No 467 dy 12.9.90 allowing him to enjoy the produce of the tope and subsequently cancelled it in his order No 702 dy 12.5.94.

× vide Petn No 4136

This petn was forwarded to the Dy Commr: Kolar Dt calling for a report with the records of the case; whereupon the Dy Commr: in submitting the above records stated that the tope in question had been planted by petr's ancestors for charitable purposes, that the produce thereof had since the Survey Sett: which took place in 1887-88 been included

× vide O.M. Pet 98 dy 15.7.96.

× vide Letter No 460/110 dy 26/27.7.96.

included in the annual Tenancy amarai
Sales, and other facts of the case and
observed that the petr: had no just
cause for complaint.

On 11.8.96 the Dy Comm: was
again addressed upon the subject × vide Docket No 1654/260 dy 11/15-8-96.
with a request to ascertain the practice
regarding the disposal of the produce
of the trees of the tope in question before
the Survey Sett, if evidence on that
point was available, and state
whether before the Survey the produce
was enjoyed by the petrs: ancestors
or included in the amarai Sale.

On 22.8.96 the Dy Comm: × vide order No 131 dy 22/25-8-96.
directed the Amildar to furnish
information with records on the
points referred to

on 15.9.96 Patil Krishnegowda
deposed before the Amildar to the effect
that the tope referred to was planted by
his grandfather, that the tope contained
214 trees in all, that from the time
of his grandfather, his father was
enjoying the produce of the tope until
his death in 1890 or 91, that from that
time he (petr:) was enjoying the produce
till 1894 when an order was received
from the Dt authorities directing that
the produce should be included in
the Govt amarai sale, that subsequently
this order was cancelled and
permission granted for his enjoyment
of the produce, that again an
order had been received directing
that the produce be included in the
Govt amarai Sale, that he applied
to the Dy Comm: for a review but the
order was not reversed, that he thereupon
appealed to Govt, that prior to the Survey
Sett: his father Venkatelgowda was
enjoying the produce of ~~the tope~~ and
improving the tope and that although
no mention was made in the Aval number

Chitta

Chitta of the Parabhava year regarding the enjoyment of the produce by his father and grandfather, Still the tope was mentioned as belonging to Venkatramelgowda, his grandfather; that from the very beginning the prodnce was not being included in the amarai sale, but was being enjoyed by them; that a Mahazar from the villagers and a Statement ~~from~~ by the Sambhogne to this effect were filed with the records; that he had no other evidence but this; that the only evidence he could produce was his enjoyment of the produce; that he did not know that a remark had to be made at the time of the Survey; that his father was ill at the time; that as no others informed him of that, the remark was not entered, that in the Para- -bhava Chitta a mention was made of two topes, of which one belonged to Govt and the other was mentioned as belonging to his grandfather Venkatagowda and that this would prove his enjoyment of the produce.

On 23.9.96 the Amildar in submitting this deposition stated that since the receipt of order No 702 of 12.5.94 the prodnce was included in the annual amarai sale; whereupon the Dy Commr: directed the Amildar to furnish information from the previous amarai Sale lists, Daul pattis &c and submit Statements taken from the Sambhogne, Patel and other people who happened to know the case.

On 28.3.97 the marginally noted

x vide Report No 198

x vide order No 177 of 30.9.96.

noted individuals deposed before the Amildar to the effect that the tope was planted by Venkatramelgowda at his own cost and was in possession of himself and his successors; that the produce thereof was never included in the annual Govt Amarai Sale, but was being enjoyed by Venkatramelgowda and his Successors ever Since the tope was planted (Sanbhogue Seenappa further deposed that at the time of the Survey Sett the tope in question was classed as Kharab, that a remark was entered to the effect that the tope belonged to Govt and that during the years viz from Nala to Nandana (1892-93) in which he officiated as Sanbhogue the produce was not included in the Govt amarai Sale but was being enjoyed by the Hakkadars).

× 1. Seenappa, Sanbhogue of Arahalli.
2. Venkatramelgowda, Patel of Duggasandra.
3. Nagartha Munisamy, merchant
4. Nanjelgowda, ryot
5. Subbanna, ryot
6. Muneppa, ryot
} of Kudumale village.
7 Bhangi Hanumantha, Note.
8. Shed Thimmadasiga, ryot.
9. Sultani Sonnappa, ryot.
10. Kumbara Subbanna, ryot.
11. Baliga, ryot
} of Arahalli.

On 25. 4. 97 the Amildar in Submitting these depositions together with Amarai Andaja Patties for the years 1887-88, 88-89, 89-90, 90-91, 91-92, 93-94, 94-95, 95-96 and 96-97 stated that the produce of the tope in question was never included in the Amarai Andaja Patties and that there were no more records on the Subject. (Note. S.No 3 has been included in the Amarai Andaja Patties for the years 1887-88, 88-89, 89-90, 94-95, 95-96, and 96-97) Thereupon the Dy Commr: on 3. 5. 97 observed that the Dand patties submitted were those of the year of the Settlement and succeeding years; that, from the patties, it was clear, that the produce of the tope in question S.No 3 was being included

× vide Report № 400

× vide order № 437

in the latter part of his report No 198 dt 23.9.96 had stated that since the receipt of the Dt. order No. 702 dt 12.8.96 the produce was being included in the amarai Sale and directed the Amildar to account for this discrepancy and to furnish information on the following points:—

(1) What had become of the Dand Pattis of the years prior to 1887-88?

(2) How was the produce of the trees being disposed of prior to Survey Sett?

(3) Are there any records to show whether the produce was being enjoyed by petr's ancestors or being included in the amarai Sale?

On 11.5.97 petr: Submitted a reminder × petn mentioning the names of some individuals, whose case was similar to his and who were enjoying the produce of the topes and praying that early orders may be passed, whereupon the By Commr: was called upon × to expedite the submission of the information asked for.

On 25.6.97 Sambhogne Gunnu Seenappa deposed before the Amildar to the effect that he was doing the duties of the Sambhogne from Pingala to Khara year, that the produce of the tope was included in the amarai Sale in the year of the Sett viz Sarvajeet; that during the 8 or 10 years prior to the Survey Sett the produce was being enjoyed by the Hakkudars and not included in the Dand Pattis that he had sought copies of the Dand Pattis only for the year 1883 and 1885 and that the Dand Pattis of other years were then and there sent to Taluk (Note. These Dand Pattis

for

× Petn No 3328

× vide Docket No Pet 1716 dt 26.5.97

(i.e. from 1857-58 to 1891-92 (34 years)

for 1883 & 1885 are in the file. In both these the produce of 6 tamarind trees of the tope in question is mentioned as having been in the enjoyment of Venkatelgowda).

On 25.6.97 Krishnelgowda in his deposition before the Amildar repeated the statements made in his previous depositions and stated that the produce of the tope was in his enjoyment not only prior to the Survey Sett but also during the years 1890 to 1894 in accordance with Dy Comm's order No 467 of 12.9.90.

On 25.6.97 the amildar in Submitting the above depositions and the Dasl Pattis for 1883 and 1885 observed that the practice regarding the disposal of the produce of the trees of the tope in question prior to S. Sett could not be exactly determined as the records prior to the Survey Sett were destroyed under the rules. X vide Report No 434.

On 30.6.97 the Dy Commr: in Submitting the whole correspondence observed:- X vide Docket No 5166/1187

"The accounts prior to the year of Survey Settlement of the Taluk (1887-88) having been destroyed under the rules, no information could be had as to the disposal of the produce of the trees of the tope in question in former years. The Shanboge and some of the villagers have stated before the Tk Sheristadar that the produce was enjoyed by the petrs father and that it was never included in the Amarai Sale, but no document or reliable account was produced by the petitioner or Shanboge

Shanboge in support of this assertion."

C.E.R.
27/7/97.

It is not clear from the record whether any arrangt. leases have been executed. Would the Board issue draft to be drafted by me on this point & by Counsel to elucidate the point?

M 30/7/97

The report since received shows that the arrangt. in the year 1886-87 (i.e. the year before the settlement) did not include the tope (S no 3) in question. From the accounts for 1886-87 (Exhibit from no 3) produced by the Shanbhag it appears that Bindeshwar Munisawmy & Rampe Sowda were the lessees for the year 1886-87 & they have deposed that the lease did not include No 3. It also appears that the topes from the Khatta accounts for 1846-47 & 1853-9-60 (Parathasarthi) that the topes were planted by pet^r's grandfather Venkatramee Sowda

3 Survey Settlement in 1887-88, the
Land was brought under Chapter
& thereupon the appellant's father
petitioned in 1888, for the recognition
his right
The D.C. Comr. & Mr Abdul Rahman (B)
would only recognise the
right to take fallen and
dry trees with the corresponding
obligation to plant new ones
but would not recognise the
plaintiff's right to the produce.
The appellant's father did not
consent to the latter condition
The new D.C. Comr (Mr Madan) passed
an order in 1890 recognising the plaintiff's
right to the produce, as the annual
reports that before the Survey
settlement the produce was
enjoyed by the Plaintiff This
order was cancelled in 1894 on
Mr Abdul Rahman's order
being brought to Mr Madan's
notice
The evidence now produced shows
that petr's grandfather the plaintiff
the top and enjoyed the
produce before the Survey settlement.
to measure

3 acres +16 guntas & 6 contain 214 trees at present though at the Survey Settlement 317 trees are said to have existed.

The tenure on which the toper was allowed by the appellant's father was to be employed by the toper to cut the fallen & dry trees & to plant new ones instead (while the toper, however, was known to be the father) an imperfect reproduction of the tenure contemplated under paras 4, 7, & 8 of Appendix G of the Land Rev Rules. The only other tenure is that of an assessed (private) occupancy. The policy of Govt in this regard to topes is enunciated in Govt Order No 12534-44 dt 24/1/1945 & the

R.F 116-92
Order Book (Page 4 under Revenue
to Govt

Sd/-
19/1/98

RDM
19/1/98.

So far as the case goes the Dy Coll has dealt with it correctly no interference of Govt is needed. Revision application if cannot prevail since the appeal is without merit

— call the Dy Colls attention to para 5 of the order No 12534-44 RF 116-92 asking him whether action might be taken in accordance with the directions therein contained.

(We do hear of one or two cases like this in the Taluk Offices)

RDM
25/1/98

Put up
26/1/98

Stamp sufficient
Do / Time
Not a Council case

Scrd
A.S.
2/7/96
A.S.
4/7

Scaled Bx 2 Cs
4
4-7-96
calls report
with records
of the case
recd
10/7/96

4
11-7-96

L. R. 96-95-1

Draft I
JCM
14/7.

No. 4136

Name of Petitioner, Krishnaswamy Patel of

Village, Arahalli

Taluk, Mulbagal

District, Kolar

Date of Arzi, 29.6.96

Date of Receipt, 29.6.96

Date of Disposal,

No. of Enclosure, 2

ABSTRACT.

Appeals against the order of the
Dy Comm^r Kolar in R^o 47 of 20.3.96 commuting
-cated by the Asst^t Comm^r under R^o 520 of
30.3.96 that the Dy Comm^r finds
no reason to reverse his order R^o 702
of 12.5.94 that the Tope in questn
does not belong to the petr^r -

States that his grandfather had
planted a Tope near his village; that
his grandfather, father & himself were
in possession & enjoyment of the
produce of the said Tope; that
when the Amr^r included this Tope
with the Govt^r Amaraji & began to
to sell it by public sale on the ground
that the Survey Dept^r had included
it in Amaraji, his father submitted
a petn^r to the Dy Comm^r who ordered
a petn^r to the Dy Comm^r on the subject
that his father was entitled to the Tope
/ Vide enclosed order R^o 467 of 12.9.90;

that the very same day Comm= issued another order No. 7029/12.5.94 (herein enclosed) that his previous order was wrong & that the Hope did not belong to the Petrs & that his appeal is within time as the order of the Asst= is dated 30.3.96.

Prays that orders be issued ~~declaring establishing~~ the Petrs right to the said Hope =

C/K

2.7.96

The Asst Collr's endorsement is as follows:-

Order No. 473 of 20/3/96 has been received from the D.C. Cuttack saying that those who planted the Hope are entitled to take the trees blown down by the wind & not the produce of the trees, that clandestine enjoyment of the produce does not give any right to claim the produce & that the order ~~has been~~ No. 7029/12/5/94 has already been passed in this matter

MYSORE DEWAN'S OFFICE
PETITION DEPARTMENT
RECD. IN 4136 R
DATE 29-6-96

A.J. No. 7 of 1896-97

29.6.96

12-9-96

Rel 98 Centre (2) 17-7-96

MYSORE DEWAN'S OFFICE.

PETITION DEPARTMENT.

L. R. 96-95-2

OFFICIAL MEMORANDUM.

The accompanying Appeal Petition No. 413 dated 29th June 1896 received at the Dewan's Office from Krishna Gowda, Patel of Arahalli, Mulbagal Taluk, appealing against the Dy. Commrs order regarding Petrs Claim to certain topes in the produce of the tanks of S. No. 3 Nestal village

is forwarded, together with its Two enclosures, to the Deputy Commissioner of the Kolar District for submission of the entire proceedings connected with the case, together with a full report of the facts of the case, and on the points urged in the petition.

2. The petition with its enclosure should be returned.

By order

2 Dept

Chief Secretary.

BANGALORE,
17-7-1896.

A.S. 14/7

17/7

M.G.C.P.B.—25-4-95—1,000

Gen. 31.]

189

REVENUE DEPARTMENT (1) No. Rel 738 97 27 JUL. 96 DEWAN'S OFFICE

From The Deputy Commissioner
Kolar district

To Revenue and General
The Secretary to the
Government ~~Dewan~~ of Mysore.

Dated 24 July 96
Despatched 27th.
Received
General No. 460
No. 110
Enclosure No. 1 & 11 with Agrs. D 31.7.97

Reporting on the petition from Krishnagowda Patail of Chakalli, Mulabagal Taluk — — — —

submitted with reference to the 2nd Councillor's order on the above subject of petn 4136 dated 29.6.96

Not cleared by me
I submit that
no complaint
has been received
in connection
with the petition
I consider it
unnecessary to
call for any
report in the
matter. The
petitioner
is evidently
a litigious
person and
the present
settlement
was sanctioned
by the Board
after full
enquiry
and
cannot be
disturbed
except
for
serious
reasons
which
are not
alleged
in the
petition
6.8.96

Draft
7-8-96

Drafts
WLR
11/8/96

L.R. 96-95-3

Petition Branch
2877/96

Submitted with reference

31/7

Kolar Deputy Commr's
Office
Dated 24th July 1896

To,

The Secretary to the Govern-
ment of Mysore
Revenue and Genl Depts.

Sir,

Adverting to your official memo-
randum No Pet/98 dated 15th Instant
forwarding for report a petition
from Krishnagowda Patel of Ara-
halli, Mulbagal Taluk appealing
against this office order regarding
the petitioner's claim to the produce of
the trees of a tope Survey No 3 in the
said village I have the honor to Sub-
mit herewith as per accompanying
Ferist the records connected with
the case.

2. It will be observed from the same
that the tope in question was planted
by the petitioner's ancestors for charit-
table

* herewith returned with its enclosures.

Charitable purposes.

3. At the Survey Settlement which took place in 1887-88 the land on which the tope is situated was classed as Kharab and the produce of the trees belonging thereto has since been included in the Annual Batayi Amarayi Sales.

4. The petitioner's father Venkata-gowda having claimed the produce of the trees on the ground of previous enjoyment some correspondence passed on the subject till at length it was decided by the then Deputy Commissioner Mr. Abdul Rahiman in his order No 265 dated 12th July 1890 that the petitioner had no right to the usufruct of the trees and that he should be allowed the use of the fallen and dead trees in the tope on the condition of his planting trees one

ones in their Stead.

5. This order not having been brought to my notice, I issued a contradictory order No 467 dated 12th September 1890 permitting Venkata Sowda to utilize the produce of the trees. The mistake having subsequently been discovered by me, I issued an order No 702 dated 12th May 1894 cancelling my previous order and directing that Mr. Abdul Rahiman's Order should hold good.

6. Krishnagowda the present petitioner having agitated the matter in 1895 Some further correspondence took place and Mr. B. G. Krishnaiengar officiating Deputy Commissioner in his order No 473 dated 20th March 1896 declined to interfere in the previous order (No 702 of 1894) and held that the petitioner

who

who was not paying any Kandayam for the land could not be allowed the usufruct of the trees in the Tope Standing on the Same.

7. The petitioner has thus no just Cause for complaint.

I have the Honor. to be,

Sir,

your most obedient Servant,

E Maistre

Deputy Commissioner

Kolar District.

Seen

(4)

1896

To

The Deputy Commissioner
Kolar District

No. 1654/260 Dated 11/15 August 1896

His letter no 460 dated 24th July 1896 forwarding, with reference to the claim of the petitioner Krishna Gowda of Arahalli in the Mulbagal Taluk ~~claiming~~ the produce of the trees of a tope in Survey no 3 of the said village ~~and stating~~ that the produce has since the last settlement been included in the annual kattayi Amani sales

L.R. 96-95-4

With reference to the above has the honour to request that the Deputy Commissioner will be so good as to ascertain the practice regarding the disposal of the produce of the trees of the tope in question before the survey settlement, if evidence on that point is available, and state whether before survey the produce was enjoyed by the petitioners ancestors or included in the Amani sale.

By order

Draft BB 11/8

for Secretary

BBdh 11.8.96

3.7.97

Gen. 31.]

No. 1
JUL. 97
DEWAN'S OFFICE

1896

L.R. 96-95-5

Repeat up
AK
6/7/97.

From
The Deputy Commissioner
Kolar District

To
The Secretary to the
Government ~~Dewan~~ of Mysore.
Revenue and General Depart.

Dated 30th June 1897.
Despatched 1-7-97
Received
General No. 5766
No. 1187
Enclosure No. 1 file

His Docket No. 1654 Pet 260 dated 11th August 1896 calling for a report upon the practice regarding the disposal of the produce of the trees in Survey no 3 (Tope) of Archalli village, Mulbagal Taluk now claimed by petitioner Krishnegowda

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With reference to the above, has the honor to submit herewith a file of correspondence ending with the Amildar's Dy. No. 434 dated 25th Instant from which it will be observed that the accounts prior to the year of

Submitted
8/7/97
6/7/97

Beyond the oral statement of the Kamboy & some of the villagers that the petr's father enjoyed the usufruct of the tope, the D/Com² states that no further evidence is available, the accounts prior to the year 1887-88 having been destroyed under the rules.

Sub to 2nd Council
(with reference to the orders of D/Com²'s previous report)
M 9/7/97

Rd 6.40 p.m.
9/7/97

Please give a summary of the evidence which the petitioner has given in support of his claim & the evidence if any which the Govt have got in support of their case. Have they examined about the enjoyment of the usufruct by the petr & his father & if so what is the result of the investigation. Papers must be returned duly completed.

L. Rama Rao for Secy
11/7/97

Papers sent up on 27.7.97
C.S.

For perusal
M 11/7/97
Submitted
AK 11/7/97
11.7.97

of Survey Settlement of the Taluk (1887—88) having been destroyed under the rules, no information could be had as to the disposal of the produce of the trees of the tope in question in former years.

2. The Shanbog and some of the villagers have stated before the Taluk Sheristadar that the produce was enjoyed by the Petitioner's father and that it was never included in the Amarayi sale, but no documentary or reliable account was produced by the Petitioner or Shanbhog in support of this assertion.

Assistant

Deputy Commissioner
Coorg
Kasaragod Malabar District.

Forwarded

(6)

L. R. 96-95-6

To

The Dycomm
Kolar Dt

Ref 1403 / P.177 & 31.7.97 Encl. V. views. (2 files)

Correspondence ending with his docket No 5166 & 30/6/97 (118)

reporting on the petn of Krishna Gowda of Araballi Malbagal Taluk.

Adverting to the above has the honour to observe that it is not clear from the record whether the amrayi lessees of the village prior to the Survey settlement have been examined and if not, they have not been examined, the same may now be done and the investigation completed.

The Veracruz records
are returned for reference
and resubmission

BC

MM

30/7/97

Gen. 31.]

Gl. No. 4856
Pet 356
DEWAN'S OFFICE

1897

(7)

Sent
17/1/98

From The Commissioner
Colar District

To

The Secretary to the Government
~~Dewan~~ of Mysore.
Revenue Sect Department
Bangalore

Dated 4th January
Despatched
Received

General No. 2205
No. 661

Enclosure No. 1 & record.

Submitting copy of
Gl asst Commrs docket
No 5 dated 22nd ultimo re
Petition on the petition
of Krishna Gowda of Kitra
Taluq Mulbagal Taluq

Petitioner
8/1/98

Rec'd 10/1/98
Re for Sanction.
AK
10/1/98.

Open file made
AK
15/1/98.
Sent
17-1-98

L.R. 96-95-7

Subd to 1st Comalle with Papers
My 19/1/98

R2 78 Nos
19/1/98.

Dy. Commrs Office
Kolar District
Kolar 4th January 1897.

To

The Secretary to the Government
of Mysore
Revenue & General Department

Sir,

Adverting to your docket No 1403 / F. 177 dated 31st July 1897 calling for further report regarding the petition of Krishnégowda of Aréhalli village, Mulbagal Taluk claiming the produce of the trees in Survey No 3 (Tope) of the said village, I have the honor to submit for information the accompanying copy of the General Assistant Commissioner's docket No 5 dated 22nd Ultimo together with its original enclosure as per Enrist attached thereto.

2. It will be observed from the same that 3 out of the four Amrayi lessees of the village prior to the Survey settlement have

have now been examined and they have stated that the produce of the lope in question was never included in the village Amatayi and that the same was in the enjoyment of the petitioners' family

I have the honor to be,

Sir,

Your most obedient Servant,

Arangaranga

Dy. Commissioner

Compared

From The General Assistant Commissioner
Kolar District

To The Deputy Commissioner
Kolar District

Dated 22d December/97.
Despd 28th

Enc: No. one file of records.

No. 5.

His official Memorandum No. 516/327 dated 6th August; forwarding the Secretary's docket No. 1403/147 of 17th July 1897 with the records in connection with the petition of Krishnégowda of Arabally in the Malbagal Taluk for further investigation and report.

In returning the vernacular papers received with the above he has the honor to state that the Amildar has examined 3 persons by name Mudenkhan and Thimmegowda and Kempegowda who have deposed before him that they were the Amaranji lessees in the year Vijaya i.e. before the Survey Settlement and that they had not enjoyed the fruits of the trees in question as they belonged to the Circle Kadars.

It is also evident from the Amildars Report that one Cheyar Panjikara of Agaram was the Emanagar Servant for the year Pathiva. He was not examined as he was absent in the village.

Signed K. S Doraisawmy Iyer.
Central Assistt Commr
Kolar District

"Copy"

Arangam
Dy. Commissioner.

Compared
Mistk

Draft

Proceedings of the Govt of Mysore

L.R. 96-95-8

Read:—

Petition No 4136 dated 3/3/28 dated 29-6-96 and X-5-97 from Krishna Gowda son of Venkata Gowda of Archalli village in the Mulbagal Taluk appealing against the order of the Dy Comr Kolar Dist No 473 dated 20-3-96 declining to interfere with the previous orders No Banned 265 and 702 dated 12-7-90 and 12-5- rejecting the petitioners claim to the ~~ryotwari~~ produce & Cocoanuts trees in the Dept Survey No 23 in the same village.

(2) Letter No 460/110 dated 24-8-96 from the Dy Comr Kolar Dist submitting the records of the case and reporting on the above

(2) Correspondence ending with his letter No 2205/661 dated

4th January 1898 reporting
~~submitting~~ the above & submitting the record of the case
a further report called
for in the Secretary's docket
No. 1403/97 dated 31st Dec 1897

Order. No. 7282 P.F. 39-97 dated 2.2.98 (960)

Facts of the case - The tope
in question was planted about fifty years ago
by the petitioner's grandfather
for charitable purposes which took place in 1887-88
At the Survey Settlement the
land on which the tope was
situated was classed as kharab
and the produce of the trees
~~belonging~~ therein included
in the Inam. The petitioner's
father having claimed the
produce on the ground of
previous enjoyment, the
matter was finally decided
by the Hon'ble Dy Comr Mr Abdul
Rahman Saheb K.B in his order
No. 265 dated 12-7-90 decided that the Venkatsowda
had no right to the usufruct
of the trees, but that he might
be allowed the dead and fallen
trees on condition of his
planting fresh ones in their stead.

Subsequently Mr. Madrah passed a contradictory order permitting the petitioner's father to enjoy the produce ~~thereof~~ the previous order not having been brought to his notice. When this was discovered found he cancelled his own order in 1894 restoring thereby the original order -

The petitioner having again agitated the matter in 1895 Mr. B.G. Krishnamurthy passed an order declining to interfere ~~in the previous order~~.

The petitioner has appealed against this last order -

2. So far as the case goes the Dy Comr has dealt with it correctly and no interference of Govt is needed - The petitioner is not entitled to the produce and it cannot be granted to him The appeal is dismissed.

3. The Dy Comr's attention is drawn to para 5 of G.O. No 12534-44 / A.7.116-92 and he is requested to state whether action

action may be taken in this case in accordance with the directions therein contained.

'Off'
C,

Sd/- Secy

To The Dy Comr Kolar Dist
with records —

+ 23-2-98
3-2-98

KM
26/1/98

L.R. 96-95-9

ಶಾಂತಲಾಕ್ಷಿ ಮಂಜಯ್ಯ ಹೆಗಡೆ ವಿರುದ್ಧ
ಅಕ್ರಮ ಮನೆ ನಿರ್ಮಾಣದ - ಅರ್ಜಿ
ಮಂಜೂರಾತಿ ಪತ್ರ ಸಲ್ಲಿಸಲಾಗಿದೆ -
ಚಿತ್ರದಲ್ಲಿ 31 ಪಿ ವಿವರಿಸಿರುವಂತೆ ಕೆಲವು
ಅಳತೆಯಲ್ಲಿ ವ್ಯತ್ಯಾಸ

"Bye order"

'ಡಿಫ್'

Asst Secy

28/1/99